

EV426923502US

10-26-06

IFW

USSN.: 09/554,531
Atty. Docket No. 238/087 US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

BEELEY, Nigel R., et al.

Application No.: 09/554,531

§ 371 Date: 08 August 2000

Int'l Filing Date: 13 November 1998

For: *Novel Exendin Agonist Compounds*

Art Unit: 1614

Examiner: Delacroix-Muirheid, C.

Atty. Docket: 238/087 US

Confirm. No.: 2006

Mail Stop Sequence
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TRANSMITTAL

Sir:

Applicants of the above-listed patent application submit the following:

	Pages
• Transmittal	2
• Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;	2
• Compact Disk Transmittal Letter under 37 C.F.R. §1.52(e);	1
• Statement under 37 C.F.R. § 1.821(f) and (g);	1
• Copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;	4
• Sequence Listing in computer readable form (CRF) on two Compact Disks;	N/A
• Paper copy of Sequence Listing; and	53

- Return post card


N/A

In the event any additional fees are due or any amount is to be credited, the undersigned authorizes the Commissioner of Patents to debit or credit Deposit Account No. 010535.

Respectfully submitted,

AMYLIN PHARMACEUTICALS, INC.

Dated: 25-Oct-06

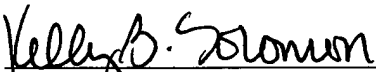
By: 
Dianne Rees, Ph.D.
Registration No. 45,281

AMYLIN PHARMACEUTICALS, INC.
9360 Towne Centre Drive
San Diego, CA 92121
Telephone: 858.552.2200
Facsimile: 858.552.1936

Certificate of Mailing Under 37 C.F.R. 1.10
"Express Mail" Label No. EV426923502US

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated below and is addressed to Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450.

25 October 2006
Date of Deposit


Kelly B. Solomon



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

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RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Mail Stop Sequence
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is in response to the Notice to Comply dated September 29, 2006, time for response is set to expire on October 29, 2006. Accordingly, this response is timely filed. Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. Copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
2. Sequence listing in computer readable form (CRF) and accompanying Compact Disk Transmittal Letter Under 37 C.F.R. § 1.52(e) for the above referenced;
3. A Statement Under 37 C.F.R. § 1.821(f) and (g) regarding sequence submission; and,
4. A paper copy of the sequence listing.

Remarks begin on page 2 of this response.

REMARKS


In response to the Notice to Comply, Applicants submit the items listed on page 1 of this Response. Applicants respectfully request the entry of the Sequence Listing.

Applicants additionally thank the Examiner for the Interview of September 18, 2006 and accepts the Examiner's proposed claim amendments without prejudice to pursuing the subject matter of the original and previously presented claims in continuing or other related applications. Upon entry of the Examiner's amendment, Applicants believe that the application should be in condition for allowance. Applicants request the Examiner to call the undersigned with any questions or if additional information is needed.

The required fees due for this submission are provided herewith. However, if an additional fee is due, the Commissioner is hereby authorized to charge payment of any fees associated with this communication, to Applicant's Deposit Account No. 010535. Additionally, the Commissioner is hereby authorized to charge payment or credit overpayment of any fees during the pendency of this application to Applicant's Deposit Account No. 010535.

Respectfully submitted,
AMYLIN PHARMACEUTICALS, INC.

Dated: 25-Oct-06

By: 
Dianne Rees, Ph.D.
Registration No. 45,281

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/554,531	08/08/2000	Nigel R. Beeley	238/087 PCT/	2006

44638 7590 09/29/2006

ARNOLD & PORTER LLP (18528)
555 TWELFTH ST, NW
WASHINGTON, DC 20004

EXAMINER

KOSAR, ANDREW D

ART UNIT	PAPER NUMBER
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1654

DATE MAILED: 09/29/2006

COPY

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 1654

The reply filed May 24, 2004 is not fully responsive to the Office communication mailed February 27, 2004 for the reason(s) set forth below and/or on the attached Notice To Comply With The Sequence Rules or CRF Diskette Problem Report.

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth below or on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

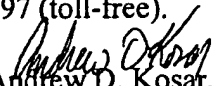
Specifically, as amended, claims 1, 29 and 42 do not recite the same sequences/variables found in the sequence listing. The sequence listing does not provide for Ala at position 6 or Tyr at position 39. It is noted that claim 42 does not necessarily require a sequence identifier, as it embraces 'branched' peptide sequences, however because one is present, the sequence must comply with the rules.

Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH** or **THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to comply with the sequence rules, 37 CFR §§ 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR § 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew D. Kosar whose telephone number is (571)272-0913. The examiner can normally be reached on Monday - Friday 8am-430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on (571)272-0562. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Andrew D. Kosar, Ph.D.
Art Unit 1654

HOW TO SEND SEQUENCES TO USPTO

The addresses below are effective 5 June 2004. Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio
(<http://www.uspto.gov/ebs/efs/downloads/documents.htm>),
EFS Submission User Manual - ePAVE)
2. Mailed to:
Mail Stop Sequence
Commissioner for Patents
P.O. Box 22313-1450
Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service or other
delivery service to:
U.S. Patent and Trademark Office
Mail Stop Sequence
Customer Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314



Notice to Comply	Application No. 09554531	Applicant(s) BEELEY ET AL.	
	Examiner Andrew D. Kosar	Art Unit 1654	

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: As amended, the sequences in claims 1, 29 and 42 are no longer the same as those in the sequence listing.

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216 or (703) 308-2923

For CRF Submission Help, call (703) 308-4212 or 308-2923

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY



Express Mail No. EV426923502US

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Examiner: Delacroix-Muirheid, C.

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COMPACT DISK TRANSMITTAL LETTER UNDER 37 C.F.R. 1.52(e)

Mail Stop Sequence
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

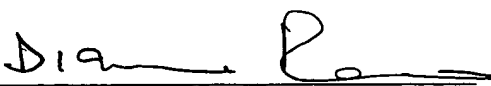
In accordance with 37 C.F.R. § 1.52(e), Applicants herewith transmit the Sequence Listing for the above-referenced application on two identical compact discs labeled "Amended Sequence Listing-10/25/2006." The information contained on each disk is as follows:

Machine Format: IBM-PC
Operating System Compatibility: MS-Windows
File Name: 238 087US Amended Seq Listing (25-Oct-06).txt
File Size: 58 KB
Date File Created: 25-Oct-06

In accordance with 37 C.F.R. 152(e)(4), I hereby state that the contents of the two compact discs are identical.

Respectfully submitted,
AMYLIN PHARMACEUTICALS, INC.

Dated: 25-Oct-06

By: 
Dianne Rees, Ph.D.
Registration No. 45,281

AMYLIN PHARMACEUTICALS, INC.
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